

# GMS Flash Alert

Immigration

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## Australia – Important Changes to Visa Conditions

In this *GMS Flash Alert*, we report on some important recent immigration-related developments in Australia relating to visa work conditions.

The Department of Home Affairs has announced that from 1 July 2024, visa conditions 8107, 8607, and 8608 are changing to help address the government’s commitment to help reduce worker exploitation and drive productivity.<sup>1</sup>

### WHY THIS MATTERS

Temporary Skill Shortage (Subclass 482) and Skilled Employer Sponsored Regional (Subclass 494) visa holders who cease work with their sponsoring employers will have more time to find a new sponsor, apply for another visa, or arrange to depart Australia. These visa holders will have up to:

- 180 days at a time; or
- a maximum of 365 days in total across the entire visa grant period

This represents a significant increase from the current allowed period of 60 days.

### More Details

During this time, these visa holders will be able to work for other employers. This includes work in occupations other than their current approved occupation. This will foster the ability of the visa holders to support themselves while they look for a new sponsor. However, visa holders must not do any work that is inconsistent with any licence or registration needed for their nominated occupation.

Unless exempt, a visa holder cannot work for another employer unless he or she has ceased work with the sponsoring employer. Visa holders must remain in their nominated occupations while working for their existing sponsors.

It is important to note that sponsors must still let the Department of Home Affairs know if there is any change in their situation within 28 days, which includes if a visa holder ceases employment.

These changes will apply to existing visa holders, as well as those granted a visa on or after 1 July 2024. Any periods a visa holder stopped working for his or her sponsor before 1 July 2024, will not count towards the new time periods outlined above.

## KPMG INSIGHTS

These announced changes will significantly increase the period that visa holders have to compete with local employees in the labour market during a period where unemployment is increasing.

No details have been released with respect to how the government will monitor compliance when visa holders move from one employer to another or the impact of this change on a visa holder's intention to apply for permanent residence under the Employer Nomination Scheme under the Temporary Residence Transition Stream, which currently requires two years of employment with the nominating employer while working in the nominated role on a Subclass 482 visa.

Whilst these changes provide greater flexibility for visa holders, they may result in employers having to exercise greater caution before sponsoring visa holders given the significant costs and current limited situations where refunds of the Skilling Australians Fund Levy can be applied.

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### FOOTNOTE:

1 Department of Home Affairs, "[Visa conditions 8107, 8607 and 8608 are changing](#)" (21 June 2024).

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## Contact us

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